

Application No. 10/730,143
Responsive to Decision on Appeal dated March 30, 2007
Attorney Docket No. FS-F03215-01

REMARKS:

By the present amendment, claim 1 has been amended, and claim 2 has been canceled. Claims 1, 3-5, and 8-10 are currently pending in the application.

1. Rejection of claim 1, 3-5 and 8-10 under 35 U. S. C. 103

Claims 1, 3-5, 8-10 were rejected under 35 U.S.C. 103. Amended claim 1 incorporates the features of claim 2. Further amended claim 1 incorporates the limitations of the silver halide containing the silver iodide in an amount of 70% to 100% by mole. The amendment is supported on page 46, the third line from the bottom of the present Specification. Moreover, amended claim 1 incorporates the features of a compound represented by formula (H) in the amount of from 10^{-5} mol to 1 mol per 1 mol of non-photosensitive organic silver salt. The amendments are supported on page 172, lines 3-5 of the present Specification.

The invention of amended claim 1 is in essence characterized by a photothermographic material comprising a silver halide containing silver iodide in an amount of 70% to 100% by mole, a bisphenol reducing agent-1 represented by formula (R-1), a bisphenol reducing agent-2 represented by formula (R-2) or (R-3), and further an organic polyhalogen compound represented formula (H) which is used in the amount described above. According to amended claim 1, unexpectedly remarkable improvements of particular color tone of the silver image and photothermographic storability are obtained due to the combination described above.

The Board stated that Appellant has not rebutted the Examiner's prima facie

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showing that claim 2 would have been obvious based on cited references according to "OBVIOUSNESS REJECTION OF CLAIM "on page 11 in Decision of Appeal.

In view of the rejection, Applicants are submitting a Declaration pursuant to 37 C.F.R.1.132. The Declaration pursuant to 37 C.F.R.1.132 shows unexpectedly remarkable improvements of color tone of the silver image and photothermographic storability of the photothermographic materials of amended claim 1, and is filed together with this Amendment.

2. Rejection of claim 2 under 35 U. S. C. 103

Claim 2 was rejected under 35 U.S.C.103 as obvious in view of Toya '126, Siga, Matsumoto, Suzuki, Yoshioka, and Toya '419. This rejection is respectfully traversed. The Board cited the five references and Toya '419 in support of the rejection. Toya '419 relates to a photothermographic material and discloses the use of an organic polyhalogen compound represented formula (H). From the test results of Table 1 in Example 1 of Toya '419, it was seen that the organic polyhalogen compounds described above have the effects of improving storability of raw materials (prevention of fogging).

However, Toya '419 never discloses improvement of color tone of the silver image. Toya '419 only discloses a use of silver iodobromide containing the silver iodide in an amount of 4% by mole in Example 2 and neither discloses nor teaches the use of silver halide containing the silver iodide in an amount of from 70 % to 100 % by mole. Also Toya '419 neither discloses nor teaches the combination of the bisphenol reducing agent-1 represented by formula (R-1) with the bisphenol reducing agent-2

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represented by formula (R-2) or (R-3).

At the same time, Toya '126 discloses that a silver halide containing a silver iodide in an amount of less than 40 % by mole is favorable. However, Toya '126 never discloses that a photosensitive silver halide containing a high silver iodide in an amount of 70 % to 100 % by mole.

Additionally, each of Shiga, Matsumoto, Suzuki and Yoshioka neither discloses nor teaches the combination of the bisphenol reducing agent-1 represented by formula (R-1) with the bisphenol reducing agent-2 represented by formula (R-2) or (R-3). In fact, Yoshioka discloses corresponding compounds to the bisphenol reducing agents described above, however does not clearly express the combination described above.

In summary, the six cited references described above never disclose the improvements of color tone of the silver image and photothermographic storability. Thus even if these references are combined, there would not be any teachings that color tone of the silver image and photothermographic storability were unexpectedly and remarkably improved due to the combination of the silver halide containing the silver iodide in an amount of 70% to 100% by mole, the bisphenol reducing agent-1 represented by formula (R-1), the bisphenol reducing agent-2 represented by formula (R-2) or (R-3), and further the organic polyhalogen compound represented formula (H) which is used in the amount described above.

In view of the above amendments and remarks, claims 1, 3-5, and 8-10 are

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hereby submitted to be in condition for allowance. An early and favorable action is respectfully requested.

Respectfully submitted,



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